

Draft Scope of Study for Supplemental Environmental Impact Statement  
for the Proposed  
Northwoods Single Family Residential Subdivision

Property Located at Roll Road and Greiner Road  
Town of Clarence, Erie County, New York

Cimato Bros. Construction, Inc., Petitioner

This Draft Scope has been prepared in accordance with Article 8 of the Environmental Conservation Law (State Environmental quality Review Act), and the SEQR regulations contained at 6 NYCRR Part 617 of the implementing regulations.

This document will guide the content of the Draft Environmental Impact Statement (DEIS) which must be prepared pursuant to the adoption of a Positive Declaration of Environmental Significance by the Clarence Town Board on November 16, 2011. The scope is based on the Environmental Assessment Form prepared for the proposed project, the Positive Declaration of Environmental Significance dated January 24, 2012, the comments received during various public meetings with the Clarence Planning Board, and in accordance with 6 NYCRR 617.8(f) of SEQR.

**I. Description of the Proposed Action**

The proposed Northwoods project is comprised of a 148± lot single family residential subdivision on a 118.91± acre parcel of land in the Town of Clarence, New York.

The subdivision is proposed as an Open Space Design Development (OSDD) pursuant to the Town's zoning law. For purposes of OSDD the applicable zoning law is modified to provide an alternative permitted method for the layout, configuration and design of lots.

The Northwoods Subdivision is designed to provide access from Roll Road and Greiner Road as well as a connection to an existing stub street known as County Club Drive. This will allow direct access to Shimerville Road as well.

The project is a Type I Action under SEQRA.

## **II. Potentially Significant Environmental Impacts:**

This section identifies the existing environmental conditions that may be adversely or beneficially impacted by the subject action, including those impacts cited as reasons for issuance of a positive declaration. Areas so identified are as follows:

### **A. Water Resources**

1. Ground Water – impact of proposed development on water table
2. Surface Water – impact of additional storm water discharges and capacity of existing/proposed facilities to handle them; runoff from roadways; increased potential for flooding, change in existing drainage patterns
3. Wetlands – impact of proposed development on existing state and federal wetlands on site; impact on adjacent wetland areas (using NYSDEC wetland definition)

### **B. Agricultural Resources – Impact to land historically used for agriculture**

### **C. Historic and Archaeological Resources**

1. Impact of proposed development on cultural or archaeological resources

### **D. Aesthetic Resources – Impact of proposed development on loss of open space**

### **E. Transportation – impact on existing roadway system adjacent to project area and in surrounding area, including nearby intersections, and proposed future intersections; impact on travel time and safety**

### **F. Growth and Character of Community or Neighborhood**

1. Impact and relation to site having been identified as a priority area for the Purchase Development Rights within the Open Space Inventory and Town Master Plan
2. Impact on capacity to existing sewer system and need for creation or expansion of a sewer district.
3. Impact on school system

## **III. Required Information for Assessing Impacts**

### **A. Water Resources**

1. Ground Water – Describe groundwater conditions based on descriptions provided in the Erie County Soil Survey and subsurface explorations.
  2. Surface Water – Describe surface water conditions based on site inspections and a preliminary drainage study to be completed by Passero Associates. Compare pre and post development surface water conditions based on a preliminary drainage study. The study should determine the volume and rate of storm water discharges for each condition, and compare same to the capacity of existing drainage facilities to handle existing and projected flows. Append the preliminary drainage study which evaluates and compares the pre and post developed condition of the site.
  3. Wetlands – Describe the existing extent, character, and jurisdictional oversight authority of wetlands within the site bounds based on delineations completed by Wilson Environmental Technologies, Inc. (WET), The New York State Department of Environmental Conservation (DEC), and the United States Army Corps of Engineers, where applicable. Describe regulatory involvement to date, with respect to acceptability of delineations, and isolated waters issues from the federal perspective. Append the Wetland Delineation Report of Wilson Environmental Technologies, Inc.
- B. Agricultural Resources – Describe and provide history of site as it relates to agricultural production. Discuss whether other agricultural opportunities exist in the community and extent same may mitigate the loss of this particular agricultural use.
- C. Cultural Resources – Describe the historic occupation of the site including impact on archaeological resources as detailed in Cultural Resource surveys prepared by Commonwealth Cultural Resource Group, Inc. (CCRG). Include cultural/archaeological information from the New York State Department of Parks Recreation and Historic Preservation (NYSOPRHP). Append previously prepared Cultural Resource Surveys by CCRG (Phase I). Further describe Phase II recommendations and analyses as required by the NYSOPRHP and the U.S. Army Corps of Engineers.
- D. Aesthetic Resources – Discuss existing land use and zoning, including a discussion of the existing neighborhood and the adjoining subdivisions. Relevant references from, and compatibility with, the Town Master Plan should also be included, as well as references from the existing Town of Clarence Code and Zoning Map. Describe buffering/screening techniques between proposed and existing land uses. Discuss the loss of open space.
- E. Transportation – a Traffic Impact Study (TIS) should be prepared which should compare pre and post development levels of traffic through the study area.

Sources of traffic should be identified and quantified (e.g., existing traffic, background traffic, normal system wide growth and site generated traffic). The TIS should analyze and consider any recent traffic studies previously prepared by the Town of Clarence. Existing intersections to be studied for level of service analysis should include:

1. Shimerville Road and Greiner Road
2. Shimerville Road and Roll Road
3. Thompson Road and Greiner Road
4. Thompson Road and Roll Road

The study should also include future project intersections on the existing street network at:

1. Greiner Road
2. Roll Road
3. Country Club Drive

Accident histories should be included for a three-year period within the study area. The TIS should be appended.

- F. Growth and Character of Community/Neighborhood – Describe the demographics of the vicinity and the resources provided by the community (e.g., police and fire protection, schools, recreation opportunities). A projection of number of new public school system students should be provided.

Compare the pre and post development condition of sanitary sewer and water facilities to determine:

1. Whether sufficient capacity exists to serve the demand placed on the systems by the proposed development. Append the Engineers Report.
2. Analyze various options regarding the creation or extension of a sewer district to service the project area, including the creation or extension of a Town or County District, as well as a private sewage works corporation.
3. Analysis should include consideration for current sanitary sewer capacity and consideration of the Town's sewer prioritization schedule.

#### **IV. Mitigation Measures to Minimize Environmental Impacts:**

Describe measures to reduce or avoid potential adverse impacts identified in Section II. Anticipated areas of particular concern include the following:

- A. Water Resources

1. Ground Water – Analyze impact of liquid effluent on surface groundwater.
  2. Surface Water – Make recommendation as to appropriate methods of storm water management which could be implemented in conjunction with site improvements to mitigate for the increased amount of storm water which is expected to result from site development. Append the preliminary drainage study to be completed by Passero Associates which will contain recommendations and conclusions.
  3. Wetlands – Describe the extent, character of potential wetland mitigation, from the perspective of both federal and state regulatory agencies. Mitigation plans prepared by WET should be included and appended, if applicable.
- B. Agricultural Resources – The DEIS should discuss and consider potential mitigation of loss of agricultural land.
- C. Historic and Archaeological Resources – CCRG will, through coordination with the U.S. Army Corps and NYSOPRHP, conduct a Phase II analysis of the site in order to obtain detailed information on the integrity, limits, structure, function and cultural/historic context so as to evaluate its potential for National Registry of Historic Preservation.
- D. Aesthetic Resources – Discuss appropriate mitigation measures to lessen the impact of loss of open space vista. These mitigation measures could include buffers, landscaping, berms and presentation of open space areas.
- E. Transportation – Describe potential traffic impact mitigation measures (e.g., traffic control signage, signalization, etc). Responsible entities for the requirement of mitigation measures should be identified (i.e., background traffic, normal system growth, or site generated traffic). An anticipated schedule of recommended improvements should be provided when applicable.
- F. Growth and Character of Community of Neighborhood – Discuss mitigation measures previously employed and to be employed regarding creation of sewer infrastructure sufficient to adequately serve the proposed subdivision. Also discuss possible phasing of the development as it relates to the introduction of new students into the school district.

**V. Alternatives:**

Discussion should be at a level sufficient to permit a comparative assessment of impacts for each alternative. Alternatives to be discussed are to include:

1. Development as allowed “by right” under existing land use classification
2. Alternative location
3. The subject action (preferred alternative)
4. The null/no build alternative

**VI. Appendices:**

Existing and proposed studies completed for the environmental analysis are to be reproduced in their entirety as appendices to the DEIS. They may include: the previously prepared EAF (parts 1, 2 and 3), Traffic Impact Study, Cultural Resource Surveys, Preliminary Engineer’s Report (containing preliminary drainage study, downstream sanitary sewer analysis, and water supply evaluation), Wetland Delineation Study, Flora and Fauna Inventories, Fiscal Analysis, etc. Relevant correspondence between the project sponsor, involved SEQR agencies and the public shall also be appended.

**VII. Issues of Proposed Development Determined to be Not Significant**

**PART III- EVALUATION OF THE IMPORTANCE OF IMPACTS**  
**AS PREPARED BY LEAD AGENCY**

After completing a coordinated review of the Part I Full Environmental Assessment Form, the Town of Clarence Town Board as Lead Agency is stating the following components of the Part II Assessment Form as having a potentially large impact upon the environment. Given the Proposed Action and associated development requirements, the probability of the following impacts occurring are very likely as currently presented, the majority would be irreversible, and may potentially diverge from local needs and goals and therefore the following impacts would be considered important and will require further analysis, investigation, and consideration of mitigating factors.

**Part II- Impact on Land**

1. Will the Proposed Action result in a physical change to the project site?
  - a. Construction on land where the depth to the water table is less than 3 feet.
    - The project will be developed on property that has depth to the water table less than 3' given the adjacency to creek corridors and other water features. This will require a careful examination of these areas during the environmental review stage and full involvement of any involved agencies having jurisdiction over that land area. Development plans will have to be oriented so as to minimize impact to these areas and in full conformance with the requirements of involved agencies.

**Part II- Impact on Water**

3. Will Proposed Action affect any water body designated as protected?
  - a. Developable area of site contains a protected water body .
    - As the developable area of the project site contains a protected water body the full review and authorization of involved agencies will be necessary to properly analyze potentially large impacts to protected water ways.
  - b. Extension of utility distribution facilities through a protected water body.
    - As the developable area of the project site contains a protected water body the full review and authorization of involved agencies will be necessary to properly analyze potentially large impacts to protected water ways. As the proposed project will require the extension of utilities and road way infrastructure through existing protected water bodies, all necessary permits and authorization of involved agencies must be reviewed and issued.
  - c. Construction in a designated freshwater or tidal wetland.
    - As the Proposed Action involves the construction of a road way through an existing designated freshwater wetland area (NYS DEC Wetland ID #LA-8) the full review and authorization of involved agencies will be necessary to properly analyze potentially large impacts to said protected freshwater wetland area.
5. Will Proposed Action affect surface groundwater quality or quantity?
  - a. Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity
    - The Proposed Action is intended to utilize sanitary sewer capacity derived from the previously constructed Heise-Brookhaven sewer line construction and extension. While a previous environmental impact statement has been completed concerning the construction of the Heise-Brookhaven sewer line and allocation of sanitary sewer capacity to associated project developments at that time, the land area of consideration for this Proposed Action and project itself

was not included in the Heise-Brookhaven environmental impact statement. Therefore, further analysis should be undertaken concerning the allocation of sanitary sewer capacity to this Proposed Action and land area as well as certification of the downstream capacity of the sanitary sewer network.

- b. Proposed Action will allow residential uses in areas without water and/or sewer services.
  - The Proposed Action is intended to utilize sanitary sewer capacity derived from the Heise-Brookhaven sewer line construction and extension; however the project area is not currently within a sanitary sewer district. Further analysis should be undertaken concerning the potential creation and/or extension of a sewer district to allow for a service area to the project site. The analysis should include consideration for current sanitary sewer capacity constraints, the existing sewer prioritization schedule of the Town of Clarence, and the relationship of this general land area to the formally adopted Town of Clarence Master Plan 2015.

#### **Part II- Impact on Agricultural Land Resources**

10. Will Proposed Action affect agricultural land resources?

- a. The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)
  - The Proposed Action is planned to be developed on land area that has been involved in agricultural production for generations and is currently in active agricultural production. Further analysis should be undertaken concerning the impact of the permanent loss of this land resource and its impact upon the agricultural community.
- b. Construction activity would excavate or compact the soil profile of agricultural land.
  - The Proposed Action is planned to be developed on land area that has been involved in agricultural production for generations and is currently in active agricultural production. Further analysis should be undertaken concerning the impact of the permanent loss of this land resource and its impact upon the agricultural community.
- c. The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
  - The Proposed Action is planned to be developed on land area that has been involved in agricultural production for generations and is currently in active agricultural production. Further analysis should be undertaken concerning the impact of the permanent loss of this land resource and its impact upon the agricultural community.

#### **Part II- Impact on Aesthetic Resources**

11. Will Proposed Action affect aesthetic resources?

- a. Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource
  - The Proposed Action is planned to be developed on land area that has been involved in agricultural production for generations and is currently in active agricultural production along a commonly traversed County Right of Way (Greiner Road). As this land area is currently vacant it provides an open space vista that is valuable to the aesthetic resources of the community and also



- compliments the semi-rural character of the community. Further analysis should be undertaken concerning the impact of the elimination of this vista and potential mitigating factors to lessen that impact.
- b. Project components that result in the elimination or significant screening of scenic views known to be important to the area.
- The Proposed Action is planned to be developed on land area that has been involved in agricultural production for generations and is currently in active agricultural production along a commonly traversed County Right of Way (Greiner Road). As this land area is currently vacant it provides an open space vista that is valuable to the aesthetic resources of the community and also compliments the semi-rural character of the community. Further analysis should be undertaken concerning the impact of the elimination of this vista and potential mitigating factors to lessen that impact.

#### **Part II- Impact on Historic and Archaeological Resources**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
- a. Any impact to an archaeological site or fossil bed located within the project site.
- The Proposed Action is planned to be developed on land area that has been identified as being archaeologically sensitive. Further analysis should be undertaken to identify the possible inclusion of culturally significant artifacts at the project site that may suggest the presence of a historically significant site.
- b. Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- The Proposed Action is planned to be developed on land area that has been identified as being archaeologically sensitive. During the coordinated review concerning this Proposed Action, correspondence has been received from the New York State Office of Parks, Recreation and Historic Preservation that confirms a Phase I Cultural Resources Investigation Report (#696) has previously been prepared by Commonwealth Cultural Resources Group concerning this project area in January of 2002. OPRHP suggests that there is a need for a Phase II archaeological testing or the avoidance of the 18 previously identified Loci of precontact cultural material. OPRHP is also requesting that closer interval testing and/or surface inspection be utilized to identify site boundaries and to make accurate assessments of artifact densities. Based on these inputs of OPRHP further analysis should be undertaken to identify potential historic sites and the consideration of avoidance measures.

#### **Part II- Impact on Open Space and Recreation**

13. Will Proposed Action affect the quantity or quality of existing future open spaces or recreational opportunities?
- a. A major reduction of an open space important to the community.
- The Proposed Action is planned to be developed on land area that has been involved in agricultural production for generations and is currently in active agricultural production along a commonly traversed County Right of Way (Greiner Road). As this land area is currently vacant it provides an open space vista that is valuable to the aesthetic resources of the community and also compliments the semi-rural character of the community. The proposed project land area has been identified within the Open Space Inventory and Plan of the

formally adopted Town of Clarence Master Plan 2015 as a priority area for Purchase of Development Rights in an effort to preserve open space in the community. Further analysis should be undertaken concerning the impact of the elimination of this open space area and potential mitigating factors to lessen that impact.

#### **Part II- Impact on Transportation**

15. Will there be an effect to existing transportation systems?

a. Other Impacts.

- The Proposed Action is planned to be developed adjacent to and with access to 3 commonly traversed Erie County Right of Ways (Roll, Greiner, and Shimerville Roads). There have been previously identified reduced levels of service at intersections of Erie County Right of Ways within close proximity to the Proposed Action (e.g. Thompson/Greiner, Shimerville/Greiner, Harris Hill/Greiner, Harris Hill/Roll). Given the potential increase of traffic volume associated with the Proposed Action, a full traffic analysis should be developed that takes into account existing service levels and potential service levels in association with the Proposed Action. Mitigating factors to potential negative impacts may include existing intersection turning lane and operational upgrades as well as the review of proposed roadway network and design modifications of the Proposed Action.

#### **Part II- Impact on Growth and Character of Community or Neighborhood**

19. Will Proposed Action affect the character of the existing community?

a. The Proposed Action will conflict with officially adopted plans or goals.

- The proposed project land area has been identified within the Open Space Inventory and Plan of the formally adopted Town of Clarence Master Plan 2015 as a priority area for Purchase of Development Rights in an effort to preserve open space in the community. The Proposed Action will require the creation of expansion of a sewer district to allow for the allocation of sanitary sewer service. The Town of Clarence has previously formally adopted an amendment to Master Plan 2015 (officially adopted November 28<sup>th</sup>, 2007) known as Sewer Expansion Priorities. The Proposed Action should be evaluated in relationship to that amendment and adopted sewer expansion plan.

b. Proposed Action will cause a change in the density of land use.

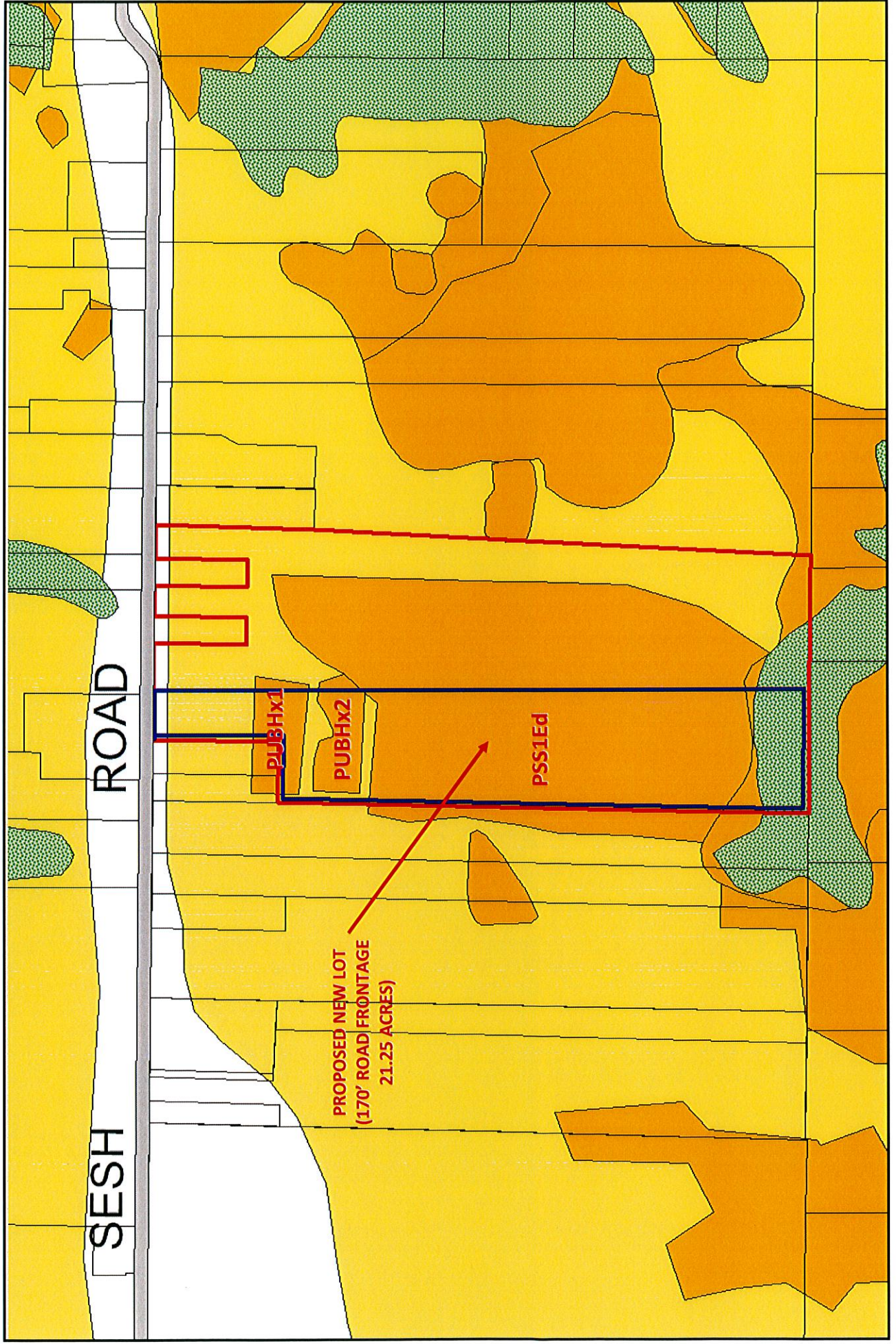
- The Proposed Action is planned to allow for the development of a 148 lot Open Space Design subdivision on land area that is currently vacant and zoned Residential Single Family.

c. Proposed Action will set an important precedent for future projects.

- The Proposed Action is planned to be developed on land area that has been identified as a priority area for open space preservation, is not currently within a sewer district, has significant environmental and freshwater wetland attributes, may contain archeologically sensitive and significant artifacts, and is currently utilized for agricultural production. As the Town of Clarence is a semi-rural community with areas of residential growth impeding upon existing agricultural properties, this project will set an important precedent for the review and approval of such Proposed Actions.

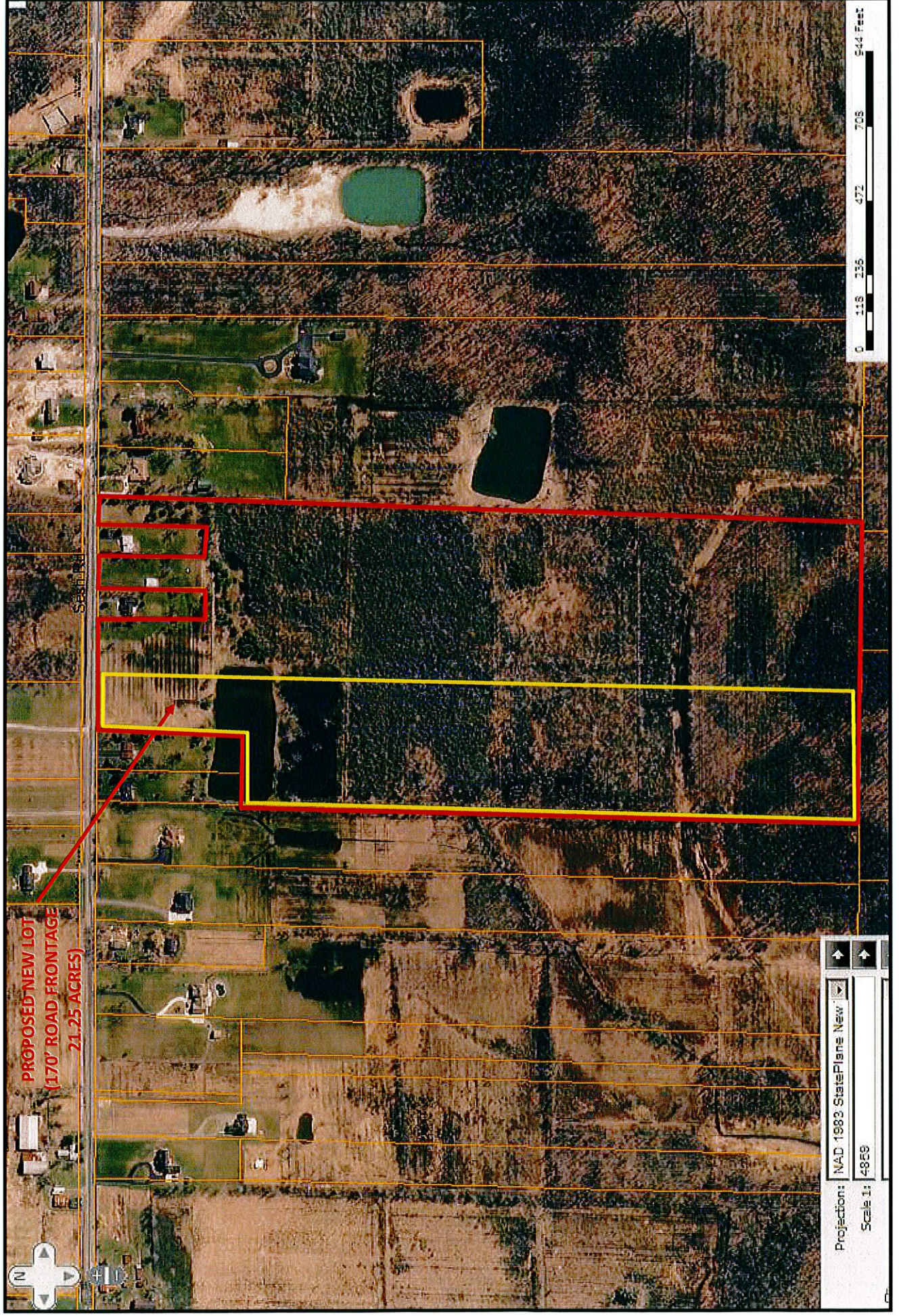


# FLOODPLAIN/WETLAND MAP



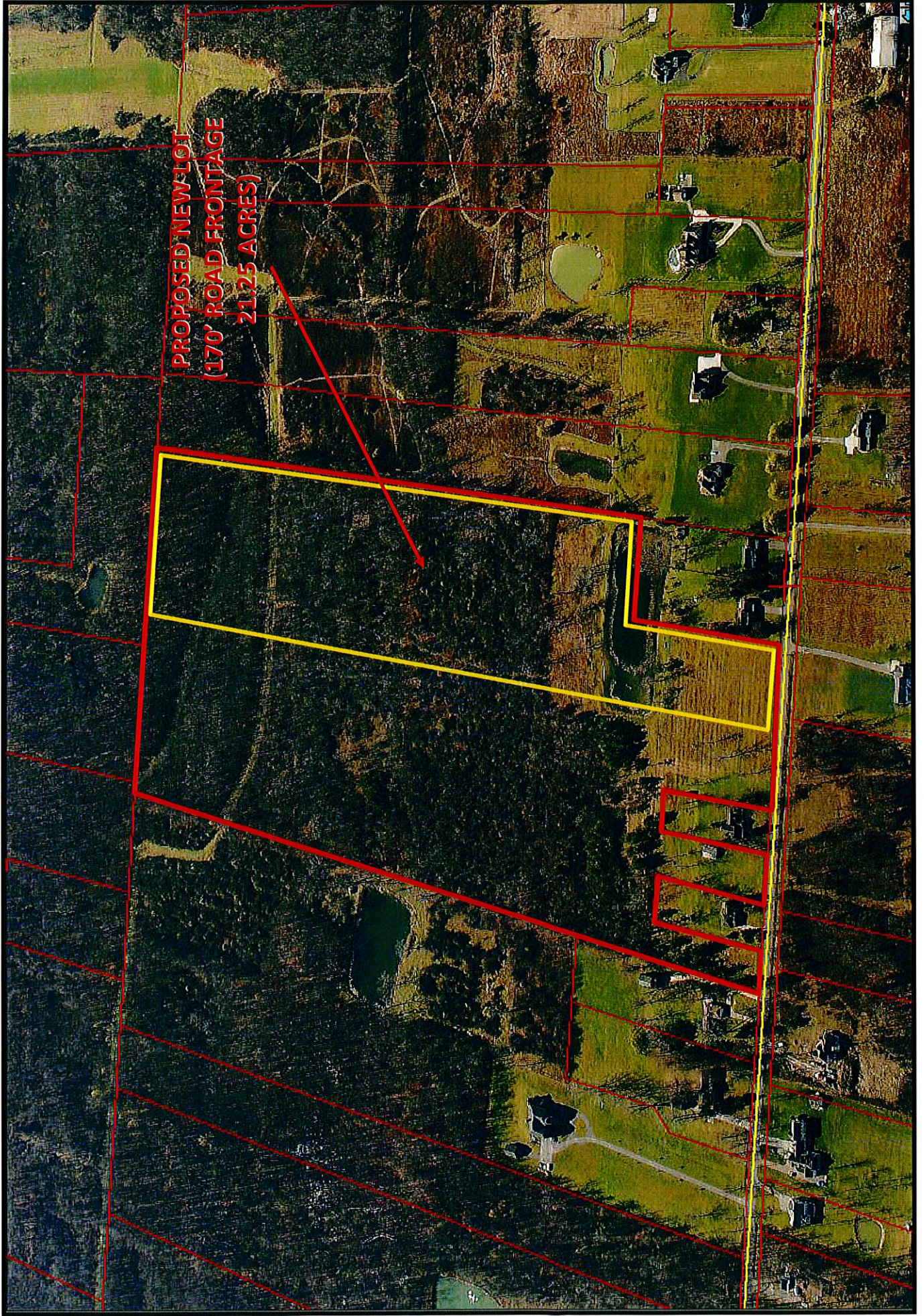


# OVERHEAD AERIAL

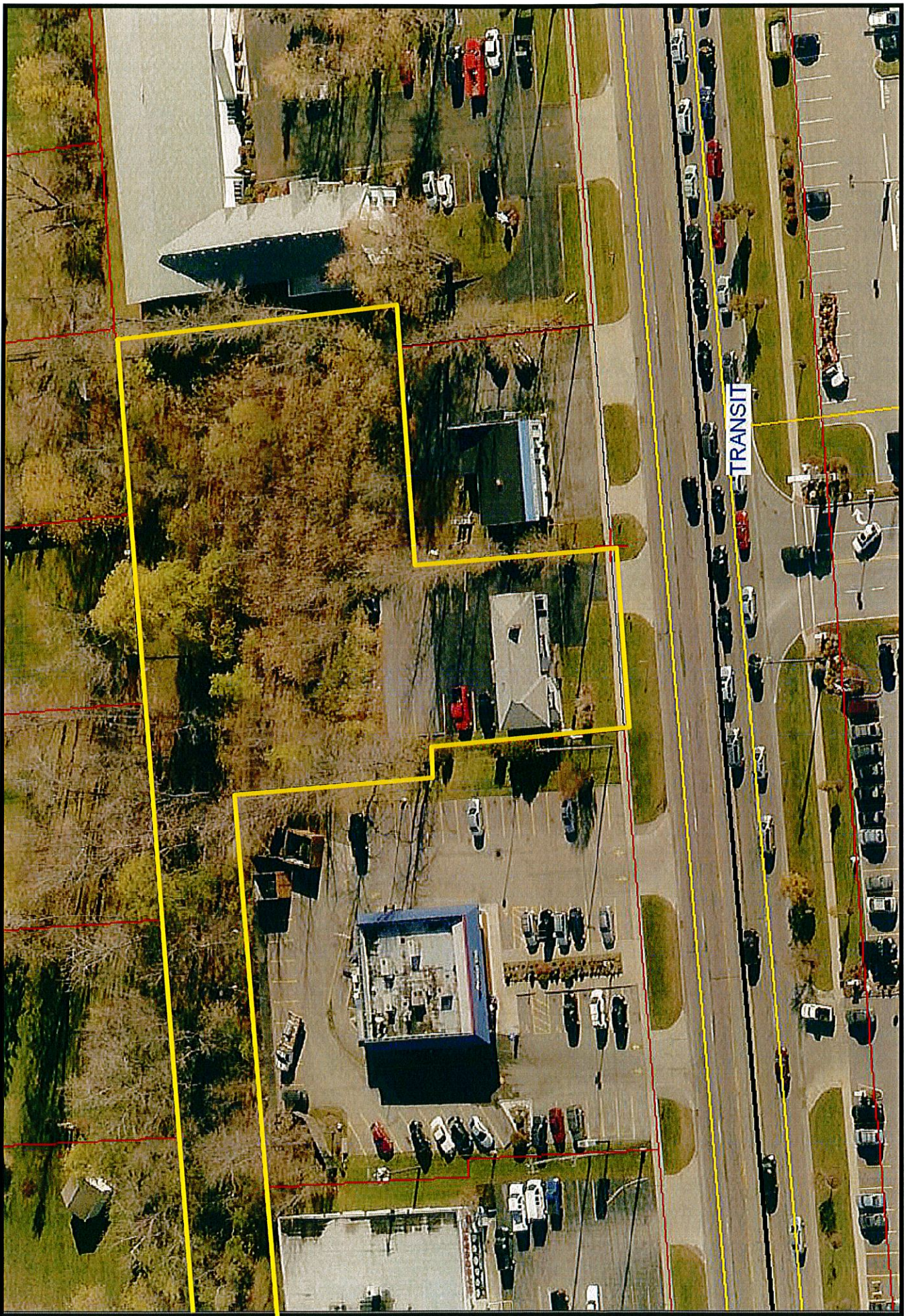




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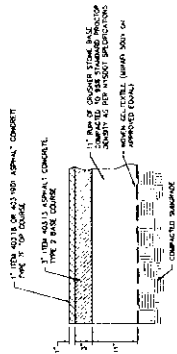






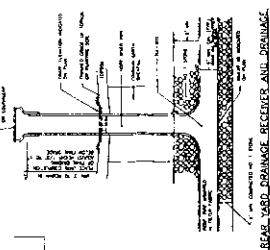
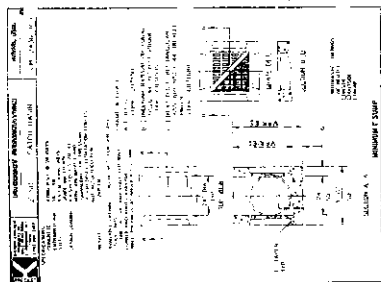






TYPICAL PAVEMENT SECTION  
NOT TO SCALE

20' WIDE PRIVATE ROAD  
ROAD IS 0.3' LOWER THAN EDGE PAVEMENT



PRELIMINARY GRADING AND UTILITY PLAN JAN 21, 2011

CONCEPT PLAN "B"

OPEN DEVELOPMENT PLAN

6481 CONNER ROAD

TOTAL AREA 8.782 ACRES TO RIGHT OF WAY

DATE: 01/21/11

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**BISSELL & STONE**

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PROJECT NO. 11-001

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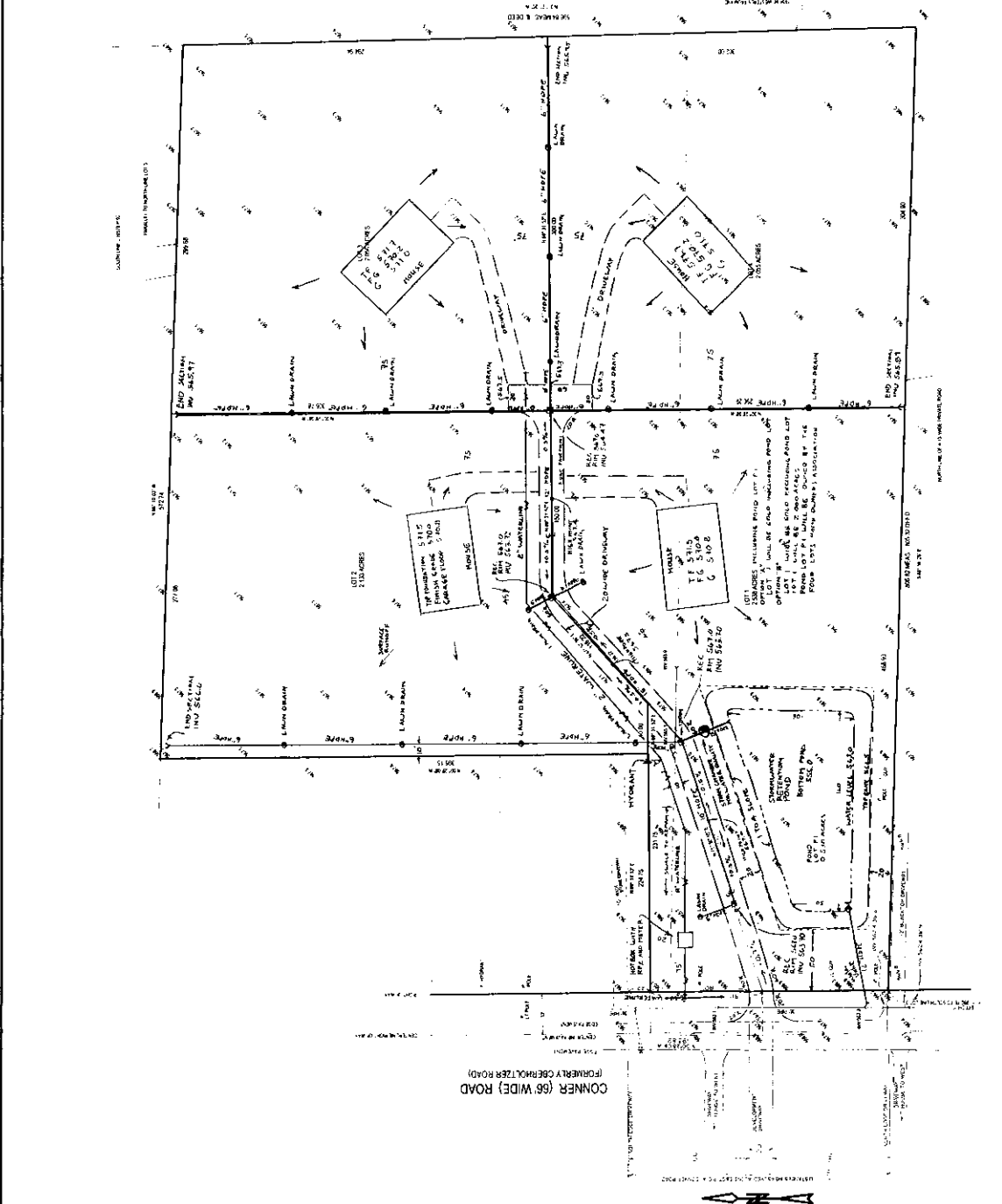
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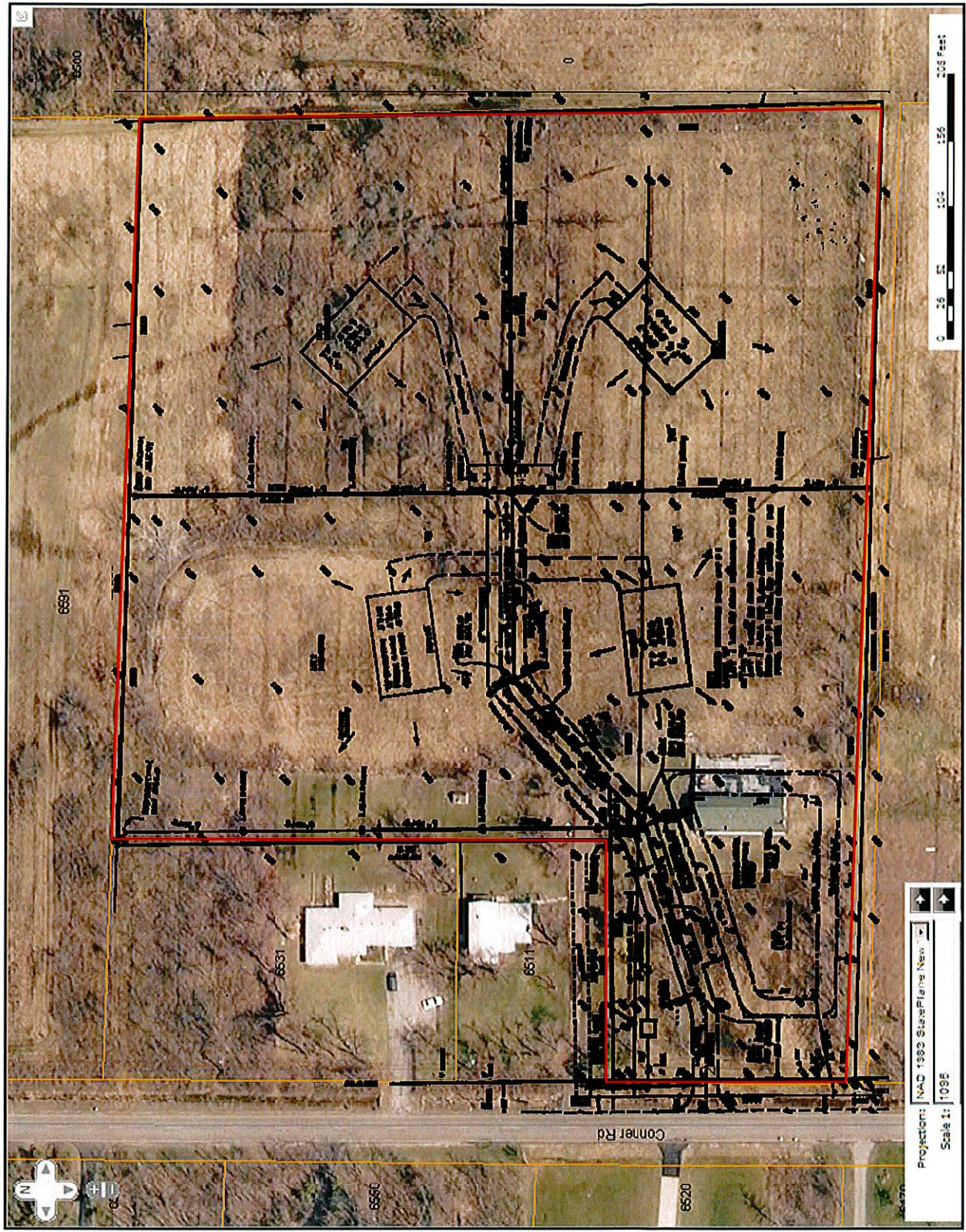
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## COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING - ROOM 1400

GERARD J. SENTZ, P.E.  
COMMISSIONER

TELEPHONE: (716) 858-8300  
FAX: (716) 858-8303

August 16, 2011

James Callahan, Director of Community Development  
Town of Clarence Planning & Zoning Dept.  
One Town Place  
Clarence, NY 14031

**RECEIVED**

**AUG 17 2011**

Reference: Ron Grimm Open Development  
Connor Road (CR 281)  
Town of Clarence, County of Erie

**ZONING OFFICE**

Dear Mr. Callahan,

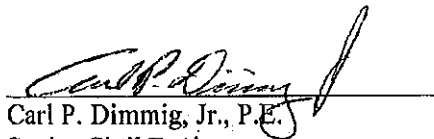
In response to the question from your office in regards to the drainage and to if we will be requiring the developer to address the issue downstream of his site we have the following comments:

1. We will not require the developer to fix the ditch and downstream culverts.
2. The discharge from his site has to be meet NYSDEC and Town of Clarence requirement for storm water retention and our requirement that the 25 year post development peak flow has to be reduced to the 10 year exist peak flow.
3. We have to be included in the engineering review of the site plan for all work completed in the County Highway right of way.
4. Highway work permits will be required for this project, so we have to be included in the site plan review as an agency with permitting authority.

Should you have any questions or require additional information, please contact our office at 858-8371.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS



Carl P. Dimmig, Jr., P.E.  
Senior Civil Engineer

cc: Gary M. Zawodzinski, Deputy Commissioner - Highways  
Charles A. Sickler, P.E., Director of Engineering  
William Geary, Jr., Senior Highway Maintenance Engineer  
Mark Lee, ECDEP  
Tim Lavocat, P.E., Town of Clarence Engineering  
Wesley D. Stone, PLS, Bissell, Stone Associates  
File CR 281

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